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11/02/2020 ☐ [Corporation Served](#)

Document ID - 20-SMCC-9700; Served To - TARGET CORPORATION; Server - CT CORP; Served Date - 02-NOV-20; Served Time - 00:00:00; Service Type - Territory 30; Reason Description - Served; Service Text - LC

10/21/2020 ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-9700, for TARGET CORPORATION. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

10/15/2020 ☐ [Filing Info Sheet eFiling](#)

Filed By: CHRISTOPHER K GELDMACHER

☐ [Pet Filed in Circuit Ct](#)

Pleading - Petition.

On Behalf Of: ZELLNER MCCALISTER

☐ [Judge Assigned](#)

DIV 8

IN THE CIRCUIT COURT
TWENTY-FIRST JUDICIAL CIRCUIT
ST. LOUIS COUNTY

ZELLNER McCALISTER,)	
)	
Plaintiff,)	
)	Cause No.:
vs.)	
)	Division No.:
TARGET CORPORATION)	
Serve Registered Agent:)	
CT Corporation System)	
120 South Central Avenue)	
Saint Louis, MO 63105)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW Plaintiff, by and through counsel Sauter Sullivan, LLC, and for her

Petition for Damages against Defendant, states as follows:

1. Defendant is a foreign corporation that is registered to do business in the State of Missouri.
2. Plaintiff is a resident of St. Louis County, Missouri.
3. The incident which is the subject of this action occurred in St. Louis County.
4. At all times herein mentioned, Plaintiff was a business invitee of Defendant.
5. On November 4, 2018, Plaintiff was a customer patronizing Defendant's store located at 12275 St Charles Rock Rd, Bridgeton, Missouri (hereinafter the "Premises").
6. On the above date, Plaintiff tripped and fell on a defect in the tile floor on the interior of the Premises.
7. Defendant owed a duty to Plaintiff, as an invitee, to exercise reasonable and ordinary care to keep the Premises safe and to prevent dangerous conditions from being present.

8. The defect in the tile floor where Plaintiff fell constituted a dangerous and defective condition.

9. Prior to the above referenced fall, Defendant knew or, through the use of ordinary care, should have known of the dangerous and defective condition of the defect in the tile floor.

10. By failing to keep the Premises safe and to prevent a dangerous and defective condition on the Premises, Defendant's violated its duty to Plaintiff.

11. Defendant owed a duty to warn Plaintiff of any dangerous or defective condition that was present at the Premises.

12. Defendant failed to provide Plaintiff with any warning that the floor of the Premises contained the dangerous and defective condition.

13. By failing to warn Plaintiff of the dangerous and defective condition of the tile floor of the Premises, Defendant violated its duty to Plaintiff.

14. The defective and dangerous condition of the tile floor of the Premises was the direct and proximate cause of Plaintiff's fall.

15. The above-mentioned fall caused the Plaintiff to sustain injuries and damages.

16. As a direct and proximate result of the aforesaid injuries, Plaintiff was compelled to submit to treatment of medical professionals, has incurred expenses thereby, and shall incur further medical expenses in the future because of such injuries.

18. As a direct and proximate result of the aforesaid injuries, Plaintiff suffered a loss of income.

WHEREFORE, Plaintiff respectfully requests the entry of judgment against Defendant in an amount in excess of \$25,000, an award of Plaintiff's costs, and for such other and further relief as the Court deems just and proper.

SAUTER • SULLIVAN • LLC

By: /s/ Christopher K. Geldmacher
Christopher K. Geldmacher #48279
Attorney for Plaintiff
3415 Hampton Avenue
St. Louis, MO 63139
Telephone: (314) 768-6800
Facsimile: (314) 781-2726
Email: cgeldmacher@ss-law.net



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: DEAN PAUL WALDEMER	Case Number: 20SL-CC05218	SHERIFF FEE PAID
Plaintiff/Petitioner: ZELLNER MCCALISTER	Plaintiff's/Petitioner's Attorney/Address CHRISTOPHER K GELDMACHER 3415 HAMPTON AVE ST LOUIS, MO 63139	
Defendant/Respondent: TARGET CORPORATION	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TARGET CORPORATION

Alias:

R/A: CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
ST. LOUIS, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-OCT-2020

Date

Further Information:
LES

Jean P. Delaney
Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

Return

SB 11/20



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: DEAN PAUL WALDEMER	Case Number: 20SL-CC05218
Plaintiff/Petitioner: ZELLNER MCCALISTER	Plaintiff's/Petitioner's Attorney/Address CHRISTOPHER K GELDMACHER 3415 HAMPTON AVE ST LOUIS, MO 63139
Defendant/Respondent: TARGET CORPORATION	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Other	

SHERIFF FEE
PAID

FILED

NOV 13 2020

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

Summons in Civil Case

The State of Missouri to: TARGET CORPORATION

R/A: CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
ST. LOUIS, MO 63105Alias: 30
CTCOR
IN

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____

☐ other _____

Served at **CT CORPORATION** **INTAKE SPECIALIST** **LCW - B. LOVE** (address)
in **St. Louis County** (County/City of St. Louis), MO, on **NOV 02 2020** (date) at **9 AM** (time).

TOM DEAKIN

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

OCT 27 2020